

COMMITTEE ON LANDS AND BUILDINGS

November 12, 2003

Chairman Thibault called the meeting to order.

The Clerk called the roll.

Present: Aldermen Thibault, Gatsas, Pinard, DeVries, Garrity (late)

Messrs: R. MacKenzie, T. Arnold, T. Nichols, J. Porter

Deputy Clerk Johnson stated we would just note that Alderman Garrity is attending the Traffic Committee meeting in the conference room and will join us in a little bit.

Chairman Thibault addressed Item 3 of the agenda:

Request from Albertine and Dennis Morrisette to acquire a parcel of land on Trolley Court, known as Map 897, Lot 145.

Deputy Clerk Johnson stated there are notes that the Planning Department has recommended a request for a 30 foot wide parcel not be approved, but suggests that the whole Lot could be disposed of through sale to the abutter subject to a lot consolidation at the abutter's expense. The Tax Collector has reported no objection to the sale and the Assessors had wanted time to research wetlands issues. I don't know if they have done that and maybe you want to hear from the Assessors

Chairman Thibault asked Mr. MacKenzie to come forward. Having been down there myself and looked at this property because I happen to know the people to some extent and they asked me to go down and look at it, Bob, what these people would like to do is put a swimming pool on their land and the only reason they were looking to maybe buy 10 feet of that land was so that they could walk around their pool, if you will, if they ever have to do any work on it. That is what they were looking at. Now I know there are some wetlands litigation there or limitations or whatever and other things and I wonder if you could enlighten the Committee...why couldn't we sell let's say 10 feet of that land and at least get taxes for it whereas now we are getting nothing? When I looked at it I said hey it makes sense to me but...

Mr. MacKenzie interjected I don't know if you have...this is in your package. There is a map that shows the cul-de-sac and it is identified as Item 3. The area that they requested was a band of about 10 feet wide or 30 feet wide.

Chairman Thibault asked they wanted 30 feet.

Mr. MacKenzie answered yes. The problem when we first looked at it was if you gave them a band that is 30 feet wide that would take the public street frontage of the so-called Parcel A, which then means that Parcel A becomes no good and with no access to it. Now Parcel A isn't very usable because it is mostly wetlands with a fairly steep slope. I guess our opinion was that our first preference would be that we talk to the Morrisette's about buying that entire parcel, which we would have no problem with because it is surplus and if for some reason they didn't want the whole parcel maybe we could try to reconfigure that requested area so at least there is still street frontage on Trolley Court. The basis of our concern was if you gave them the 30 feet as requested there would be no street frontage at all to the balance of Parcel A.

Chairman Thibault stated well I was certainly misinformed because as I understood it they wanted 10 feet so if they did in fact put a pool in they would be able to walk around it. I was misinformed and I am just wondering how we should handle this at this point. I would hate to just kill it.

Deputy Clerk Johnson asked could I suggest that you get the price from the Board of Assessors for the full parcel.

Chairman Thibault asked Tom Nichols to come forward.

Assessor Tom Nichols stated the assessment right now is \$10,700. What I did the other day was I called up the State, the Land Board and they told me that there is a court order, which I have asked Tom Arnold to search for us that not one stick of brick can be put on that property. After hearing that I would suggest to the Committee that they sell the whole thing and not just part of it with the stipulation that they cannot build anything on there as well as the court order.

Alderman DeVries asked could you go into a little bit more detail on the court order. What was that referencing?

Mr. Nichols answered the court ordered that four parcels down off of Trolley Court not be built upon and I tried to get on the Internet and I couldn't get on the Internet. I asked Tom Arnold and he is researching this for us. Janet up at the Land Board said that nothing can be built on that parcel. It is a court order. Four of them. Not our deeded lots and records but their deeded parcels.

Alderman DeVries stated there is a condo association in place in Trolley Crossing, which I think has something to do with the maintenance agreement on their open land. Is this parcel part of that agreement? Has anybody taken a look at that?

Mr. MacKenzie stated this parcel is not part of the common area so the Association has no responsibility for it.

Alderman DeVries asked so this is a normal tax deeded lot that is deferred to the City.

Mr. MacKenzie answered yes and the reason it was tax deeded was that the State said that they could not build on it because of the wetlands.

Alderman DeVries asked because of the percentage of wetlands it is deemed non-buildable.

Mr. MacKenzie answered right.

Alderman DeVries stated when we take a look at the potential to break off a portion of that and I understand that would probably require a sub-division at the potential buyer's expense but is it not possible that the 30' wide rather than it be a continuous strip to the road would come out to a point so it would not affect the street frontage if for some reason we thought it was necessary to keep.

Mr. MacKenzie responded yes. If I could make a recommendation on this, if the Committee wanted to authorize us to discuss with the owner whether they would like to purchase the entire site and if they didn't want to purchase it perhaps negotiate to revise the line so that there still would be street frontage for that Parcel A that the City would keep.

Alderman DeVries moved to table this item and authorize staff to enter into discussions with the abutter on purchasing the entire site or revising the line. Alderman Pinard duly seconded the motion.

Mr. Nichols asked do you also want another opinion of value on the entire parcel.

Alderman DeVries answered absolutely.

Chairman Thibault asked, Bob, from what I know of the background of this I guess the developer, Jean Gagnon, GemCo, I guess developed that area and this was given to the City because of the fact that nothing could ever be built there. What I am trying to say is if these people next door want to buy a portion of that, whatever portion that might be and I would like you to look into that Bob but whatever portion they want to buy I would hope that we could put a stipulation that nothing ever could be built on that land and that is the way I understood it. If it changes I certainly have no problem with that. Do you want to go along and talk to these people, Bob, and see what can be done? As I understood it they only wanted 10' and now we are up to 30'. That makes a big difference.

Chairman Thibault called for a vote on the motion. The motion carried with Alderman Gatsas being duly recorded in opposition.

Alderman Gatsas stated I didn't get to ask Mr. MacKenzie anything so I am opposed to this.

Chairman Thibault asked do you want to.

Alderman Gatsas answered yes but you just made a motion.

Alderman DeVries stated we can take it off the table. I want to hear your question.

Alderman DeVries voted to withdraw her motion. Alderman Pinard withdrew his second.

Alderman Gatsas asked, Mr. MacKenzie, can this land be possibly used for mitigation.

Mr. MacKenzie answered I wouldn't rule that out although it is a small parcel. Usually this might be possible for the Airport. The Airport may have to do mitigation. Usually the environmental groups are looking for larger parcels to use for mitigation but I wouldn't rule out the possibility that it could be thrown into some pot.

On motion of Alderman DeVries, duly seconded by Alderman Pinard it was voted to table this item.

Chairman Thibault addressed Item 4 of the agenda:

Request from Rallitsa M. Kostakis to acquire property on Belmont Street previously owned by Boston & Maine Railroad Company and now owned by the State of New Hampshire (Map 129).

Deputy Clerk Johnson stated I understand this is coming here because the State owns it. I think they are looking for the City to determine it has no interest in it. There has been a value established for the purposes of what the City would have to reasonably pay for it.

Alderman Pinard asked, Mr. MacKenzie, isn't that part of the Rockingham trail eventually.

Mr. MacKenzie answered this would be part of the Rockingham trail that would connect the downtown out to Lake Massabesic and actually all the way to the seacoast. We have had some concerns about selling this piece of land and the reason we didn't have a report is we are trying to see if there are any other alternatives to allow them some parking on that strip but not give away that piece. Long-term it is an important connector.

Alderman Pinard stated I understand that the State is looking for funding next year to start the Rockingham trail so can we table this.

Alderman Pinard moved to table this item pending a report from the Planning Department. Alderman DeVries duly seconded the motion.

Alderman Gatsas asked, Mr. MacKenzie, if memory serves me right haven't the pieces to the East and to the West of that property already been acquired by abutters.

Mr. MacKenzie answered no. This is a section extending from Valley Street all the way out to Page Street and then even further to Lake Massabesic where there are no disconnects. The Elliot Hospital did purchase a portion of it but in that discussion with the State we kept the right to develop the trail in the Elliot Hospital area so there are no breaks currently in that trail line. There is on the West side. There is one break in the trail system.

Alderman Gatsas asked when you say on the West side are you talking on the West side of Belmont Street.

Mr. MacKenzie answered no. The West side of the City near South Main Street.

Alderman Gatsas asked there is no break on the West side of Belmont Street.

Mr. MacKenzie answered no there is no break on the West side of Belmont Street.

Chairman Thibault asked is that break where Tires, Inc. is on the West side.

Mr. MacKenzie answered that is correct.

Chairman Thibault asked that is the only section that has been let go and there is a problem with that and we have been dealing with that through Parks & Recreation.

Mr. MacKenzie answered yes.

Alderman Pinard stated seeing that Rockingham trail is out of land is there a way that your Planning Department can come up with some kind of a letter that Rockingham trail is Rockingham trail so nothing will happen to block it.

Mr. MacKenzie responded I believe the Board could designate that as future use for the Rockingham trail at some point; yes. The Board could take an action.

Chairman Thibault called for a vote on the motion to table. There being none opposed, the motion carried.

Chairman Thibault addressed Item 5 of the agenda:

Request from Mr. & Mrs. Francoeur to acquire property on Sewall Street, known as Map 840, Lot 4.

Clerk Notes:

Planning: no report received.

Tax Collector: no report received.

Assessors: opinion of value \$60,000 to \$80,000.

Chairman Thibault stated Mr. Francoeur called me today. He was going to have to be out of town tonight and he couldn't be here and he wanted to know if we could table this.

Deputy Clerk Johnson responded yes. We would just note for the record that it is a request to acquire property on Sewall Street.

On motion of Alderman Pinard, duly seconded by Alderman DeVries it was voted to table this item at the request of the petitioner.

Chairman Thibault addressed Item 6 of the agenda:

Request from Norman Morais of Dockside II Condominium Association to acquire property on Riverfront Drive, known as Map 105, Lot 8-A.

Clerks Notes:

Planning: no report received.

Tax Collector: still researching – no report.

Assessors: researching buildable status, no report.

Deputy Clerk Johnson stated there is a report from Planning that has been distributed. The Assessors were still researching it and I don't know if they are ready to report on it or not.

Mr. Nichols responded we are still waiting for Planning to get back to us as far as the status of the property as far as it being buildable or not.

Chairman Thibault asked is this the property on the opposite side of the bridge and is it the property that the rowing club wanted to acquire.

Mr. MacKenzie answered yes. The rowing club did want to purchase this for a building. Frankly, it is not enough width to put a building in there because it is so close to the river and there is a shoreline protection act that would prohibit building there.

Chairman Thibault asked didn't the Mayor make a statement that he was going to work with them and find them a location. What should we do with this? Does anybody know where this is at?

Mr. MacKenzie answered I don't think the rowing club is interested in this particular piece anymore. I know that there was a meeting with the Mayor and the rowing club. They have identified another private piece of property they may be interested in but that hasn't progressed. We did meet and we did identify another site and they are investigating that other site.

Alderman Thibault asked so should we just kill this at this point and receive and file.

Mr. MacKenzie answered this is actually a request by the adjacent property owner, Dockside. Once Dockside saw that the City might sell that piece I believe they became concerned and requested to purchase it. I would note that this piece is the only City-owned parcel on the stillwater of the Merrimack River. At this point we would be hesitant selling it. It is not a buildable lot. It would provide access long-term to the still section of the river. We would probably recommend that we look at some either portion of that be given an easement to Dockside or license to utilize a portion of it because they do use some of it. I think it is important for the City to hold on to that piece because there is no other access to that stretch of the river.

Alderman DeVries stated you are referencing that there possibly is a need for a licensing arrangement because Dockside is already making use of part of the City-owned property. Would you care to elaborate? Is that for parking?

Mr. MacKenzie responded they actually have a flat grassed area and a small gazebo.

Alderman DeVries asked so they are utilizing it and maintaining the property.

Mr. MacKenzie answered yes.

Alderman DeVries asked and that is without any sort of agreement in place.

Mr. MacKenzie answered yes.

Deputy Clerk Johnson stated they originally, I believe, thought it was part of their parcel.

Alderman DeVries stated I don't have a strong opinion that I want the City to lose any control over that property. I guess I would be interested in hearing from other members if they feel there is any desire to enter into a licensing agreement that could be revocable should the City have need for that property, which would include removal of the structures at the expense of the condo association.

Chairman Thibault responded I don't know if we want to get into that, but it is a good point.

Deputy Clerk Johnson stated perhaps you could ask the Solicitor's opinion.

Deputy Solicitor Tom Arnold stated I guess given Planning's recommendation and the sentiment expressed when there were prior requests to purchase this property that probably the request ought to be denied and just let sleeping dogs lie so to speak and if in the future it became necessary for the City to have the gazebo or other structures removed that could be done.

Alderman Pinard moved to receive and file.

Deputy Clerk Johnson stated I think you would want to deny the request.

Alderman Pinard moved to deny the request.

Alderman DeVries stated I guess my concern would be is the City assuming any liability now that it is clear that there is knowledge of the use of this City-owned parcel without that licensing agreement in place.

Deputy Solicitor Arnold responded since it is there without the City's consent, I would think that our liability would be rather minimal. There may be some. Obviously a person could make a claim that the City knew it was there but since we did not allow it or participate in the construction I would think our exposure would probably be relatively small.

Alderman Gatsas asked but Mr. Arnold now that we know it is there what is our liability.

Deputy Solicitor Arnold answered I think the liability is the same as I just expressed. Yes we do know it is there as I said but we did not allow or authorize or participate in the construction.

Alderman Gatsas asked so you feel that liability is removed once we know about it.

Deputy Solicitor Arnold answered as I said I think our liability is relatively minimal since it was done without the City's consent or knowledge.

Alderman Gatsas asked so it is your legal opinion that we shouldn't tell them to remove it.

Deputy Solicitor Arnold answered if you would like us to ask that it be removed we can certainly do that.

Alderman Gatsas responded I didn't ask that. That wasn't the question.

Deputy Solicitor Arnold stated probably to relieve the City of any liability we should ask that it be removed.

Chairman Thibault asked so is the City attorney saying that we should in fact to remove any liability from this property have them remove it.

Deputy Solicitor Arnold responded that is certainly a policy decision by the Committee and the Board. If it were to remain we would see minimal liability. If you want to avoid any liability we could ask that it be removed.

Alderman DeVries stated just to follow-up could not the same thing be accomplished if we did enter into a licensing agreement. Could we not also remove ourselves from any liability for the structure?

Deputy Solicitor Arnold responded I don't think you could relieve yourself of liability. In a licensing agreement we could certainly deal with the liability by manner of requiring insurance or requiring indemnity agreements to defend against any claims in terms of licensing.

Chairman Thibault stated I would think that if in fact we let them keep what they have there that we are somewhat taking responsibility for that. I would have to agree with the attorney that we should either say no you can't use it and if they do it is at their own risk, not at our risk. Would I be right in saying that?

Deputy Solicitor Arnold replied certainly if you asked them to remove it and they do not again your liability is certainly minimized but that does not deal with the claim or contention that the City knew it was there and did not force its removal.

Chairman Thibault stated well if I get the gist of the Committee they would like to absolve themselves of that responsibility. How do we do that?

Deputy Solicitor Arnold responded you could either ask that it be removed or if you so chose and the Board so voted you could enter into a licensing agreement with it that would contain provisions dealing with insurance and indemnity.

Chairman Thibault asked so what is the Committee's decision.

Deputy Clerk Johnson stated I would just note that there is a lot of City property that obviously abutters are maintaining now because the City doesn't maintain it and there is some liability because we are aware of that happening as well. In this instance I think if you have them remove that then you are going to have some open space there along the waterfront and now they are going to say it should be fenced off much as you do with the

railroad trestles and other issues that we have had other problems with. The licensing agreement, if you are looking on a liability basis, might make more sense because it gives it something that looks nice along the riverbank and right now there is nothing else there. There will be eventually.

Chairman Thibault asked what is to stop them from maintaining it.

Deputy Clerk Johnson answered the licensing agreement could set forth certain parameters in terms of the liability issues and recognizing that it is there and they are using it at their own risk so to speak and it also prohibits the public use other than what the City authorizes.

Alderman DeVries stated the one thing that still concerns me with the licensing agreement is the structure which should be deemed...I would assume the City Assessor can help me with this but should be deemed a taxable structure and it is common land when they use such a structure. I don't know if it is possible if the City Assessor says yes it should be taxable that should certainly be part of the licensing agreement to accommodate the City.

Mr. Nichols responded I was just mentioning that. If they are going to keep it there it has to have some kind of assessment on it.

Alderman DeVries replied I would assume that it also probably needs to go back retrospectively through the building permit process.

Mr. Nichols answered yes.

Alderman DeVries stated I have no problem pursuing that if we cover the items that have been opened up at this point and we take a look at becoming a...if it is possible a permitted structure or at least an acknowledged structure being taxable or in lieu of taxes since it has been assimilated for common land and that will be revocable should there be other use deemed and I would make that a motion.

Chairman Thibault asked would you like to send it to the Building Department.

Deputy Clerk Johnson replied I think what she wants to do is she wants to table it in Committee and send it to staff to go back and discuss those options.

Alderman Pinard duly seconded the motion.

Deputy Clerk Johnson stated I just want to clarify what staff would be involved and my assumption would be the Solicitor, Planning, Assessor and Building.

Chairman Thibault called for a vote. The motion carried with Alderman Gatsas being duly recorded in opposition.

TABLED ITEMS

7. Report of Planning Department regarding acquisition of the Wiggin & Nourie building.

This item remained on the table.

8. Communication from Deputy Solicitor Arnold regarding Jefferson Mill Air Rights.

On motion of Alderman DeVries, duly seconded by Alderman Pinard it was voted to remove this item from the table.

Deputy Solicitor Arnold stated as you can see from the letter over a year ago now Jefferson Mill contacted my office to investigate the use of air rights. We did have a meeting with them probably in September or October of last year. We have not heard from them since nor have they expressed any further interest. I would suggest that it be received and filed at this point and if they come back with an interest in the future we could resubmit it.

On motion of Alderman DeVries, duly seconded by Alderman Pinard it was voted to receive and file this item.

9. Reports, if available, from Planning, Assessor, Tax and Solicitor regarding transferring the former Highland Goffs Falls School to Moore Center Services, Inc.

(Note: Tabled 8/19/03 to have the Assessor's Office evaluate the property and then get together with the Solicitor and Planning to look at the suggestions discussed and bring a recommendation back to the Committee.)

This item remained on the table.

Chairman Thibault stated I have one thing. Anybody who wants anything from the City from now on I would like them to pay in lieu of taxes. We are not going to just give land or buildings away. They will have to pay in lieu of taxes somehow. How they figure it is their business. If I could have the Committee's support on that I would appreciate it. We have given away too many things in the City as it is.

10. Request by John Marchwicz to purchase a parcel of land known as Map 218, Lot 22 located on Crescent Lane.

(Note: Tabled 8/19/03 for lack of time. Matter had been referred back to committee at request of Chair because buyer had not paid property taxes on abutting property and Chair questioned prior recommendation of sale.

On motion of Alderman Garrity, duly seconded by Alderman DeVries it was voted to remove this item from the table.

Deputy Clerk Johnson stated the Clerk would note that the Tax Collector has advised us that this item can be received and filed. The parcel has actually been purchased back by the previous owner as I understand it.

Alderman DeVries moved to receive and file this item. Alderman Garrity duly seconded the motion.

Alderman Gatsas asked don't we ever notify the previous owners that we are selling something.

Deputy Clerk Johnson answered that is how this happened because we have to do that by law under certain conditions and this happened to be one of those. Joan is here and she could address it better.

Tax Collector Joan Porter stated the previous owner contacted us and said that they did want to purchase it back. We don't have a choice at that point because it is within the timeframe. They basically paid all of the back taxes up to and including the current year and then they pay a 15% penalty based on the assessed value and I am assuming they then sold it to the person who was dealing with us. Incidentally, the person who wanted to buy it, John Marchwicz, did pay all of his property taxes also as well. I am not sure what the incentive was but he did.

Alderman Gatsas asked can't we put the horse before the cart at this point so that we can find out if...instead of wasting a half an hour or forty-five minutes talking to people about the parcels and making decisions wouldn't it be wise to say to somebody that we have decided as a Committee that all abandoned property is going to be sold and that is their opportunity and if they don't exercise their opportunity at that point then if somebody wants to come in and buy it...

Ms. Porter interjected to you mean one public notice saying that any property that we own would be...here is your opportunity.

Alderman Gatsas responded right. I will give you an example. I think we have a couple here in front of us. Fairfax. That we go back to whoever the owner is and say to him before this Committee makes a decision or talks to somebody or puts it out and spends money on finding a buyer...

Ms. Porter interjected it is a time element. Fairfax Street was taken quite awhile ago. This property that John Marchwicz was looking for was taken within the last three years. If it was taken prior to two or three years the previous owner has no right so there is no obligation to let them know we are selling it because they are not different from any other person looking for the property.

Alderman Gatsas responded I am saying within the three-year timeframe.

Ms. Porter stated normally what we have been doing is if someone is interested in a property before we actually go ahead to auction or sealed bid and those are the cases for the most part, we have to send a certified letter to the previous owners and say to them you have an opportunity to purchase it and you have to let us know within 30 days.

Chairman Thibault called for a vote on the motion to receive and file. There being none opposed, the motion carried.

- 11.** Disposition of property on South Mammoth Road, Map 796, Lot 14.
*(Note: Tabled 8/19/03 pending further information from the Assessor's Office
Planning: reports surplus dispose by public sale
Tax Collector: report received no objection to sale.)*

This item remained on the table.

NEW BUSINESS

Deputy Clerk Johnson stated we have one item of new business.

Communication from Alderman Osborne regarding the Wellington Road parcel and asking that the Committee consider recommending to the Board that the Old Wellington Road parcel be retained and utilized for replacement of Singer Park.

Chairman Thibault stated I believe that the Committee has already made...

Deputy Clerk Johnson responded the Committee actually has made no actions on it at this point in time. It has been referred back to Committee and staff is supposed to be submitting to the Committee an RFP.

Chairman Thibault asked so we are waiting for the staff to submit an RFP. Is that right, Bob? When will this be forthcoming?

Mr. MacKenzie answered probably next month.

Chairman Thibault asked is the Committee comfortable with that or would they like to argue Alderman Osborne's recommendation.

Alderman DeVries stated I would note that the full Board had asked us to go out for RFP, not just the Committee. The Committee found it surplus as well.

Alderman Garrity stated I will just speak to the request if that is okay. I think that there is an abundance of park land up in that area already compared to the South end of Manchester and other areas of the City and I think it is important...this land has been sitting around for a number of years and not generating any tax dollars and I think it is important that it get on the tax roles.

Alderman DeVries stated certainly both park land and the need for affordable housing are critical needs in the City and it is always difficult to make the decision of either or. I would have to echo Alderman Garrity's sentiment that that is not an area that is without many parks already established and it is not the priority that has been denoted for establishing new parks.

Chairman Thibault stated I would like to note that Alderman Osborne is here tonight and would certainly like to address this. I would ask him to address the Committee.

Alderman Osborne stated back to Wellington Road again. I guess what I am trying to say here is we do need open space. The parks that Alderman DeVries is talking about are Derryfield Park. You really can't fit a soccer field there now or lacrosse field or anything else. I think what everybody is looking for is more space for athletics. From what I hear they are looking for soccer field space and lacrosse space and nobody seems to come up with anything but here we have 10 acres of land sitting on an open space, which would be no problem really to do this with a belt line there that is easily accessible from anywhere in the City. I think, again, we are trying to go too fast, too quick. If we go with low-income housing and workforce housing we are talking about an impact here. If you sell it for \$1 million like I said from the very beginning when you were ready to sell it for \$650,000 I told you it was worth at least \$1 million or more. Now it is up there. So you are going to sell something \$1 million or \$1.3 million and put it up and you need traffic and so on and so forth...lights etc. so you don't end up with \$1.3 million. There are always expenses involved. It is something that we have to look into. We do need open space. I think it is a nice piece of land that is in a good area that is accessible. I think we should use it for park space and in the future if it needs to be used for something else, there it is. That is my feeling.

Chairman Thibault asked, Bob, did you in fact put some restrictions on if that land was developed that there would be some stipulations that Planning would want some sort of signalization if I remember right. I am not sure exactly what it was.

Mr. MacKenzie answered we did, after meeting with the neighborhood and Alderman Pinard agree that there are some traffic issues over there. We worked with the Highway Department to get some cost estimates and if the City did sell it for housing I was recommending that the City set aside \$125,000 to make those traffic improvements.

Alderman Pinard asked to my knowledge we have yet to find a location for Singer Park. In your planning have you thought of that location? The neighbors would probably like that better than the housing.

Mr. MacKenzie answered I think my only reservation there is that...also as a member at one time of East soccer league we had looked at that particular site for fields and now that we have wetlands mapping I don't believe you would get a large size soccer field on that particular site because of the wetlands. That is not to say you couldn't have other parkland there or small ball fields but I don't think you could fit a Singer Park venue on that site.

Alderman Pinard asked so there is no long-range planning for any athletic facilities of any kind in that section of the City to your knowledge.

Mr. MacKenzie answered Parks & Recreation has indicated that at some point they would perhaps like to see that land held on to long-term for some park use.

Alderman Pinard asked what do you mean by long-term. One year or twenty years?

Mr. MacKenzie answered they haven't proposed any specific use.

Alderman Lopez stated I think it has already been said but the full Board gave directions to the Planning Director to send out a new RFP with all of the instructions on it so I would appreciate it very much if we follow what the full Board said.

Alderman Garrity asked, Bob, do we have an estimated tax revenue on the property when it is developed.

Mr. MacKenzie answered I know I did at one time. I think it was based upon an early estimate, which was slightly lower units. I think it was close to \$200,000 per unit or like \$190,000 per unit.

Alderman Garrity stated I believe we have a hard enough time maintaining the parks we do have. If anybody takes a look at Brown Mitchell park, if that playground equipment isn't 50 or 60 years old, it is 70 years old. It is in deplorable condition. You know before

we start talking about building new parks we have to start maintaining the ones we have got.

Alderman Osborne stated I would like to talk impact again a little bit. I think we are forgetting about schools and everything else. When you get all of those apartments in there the kids have to go to school somewhere. Has anybody done a study on the impact? I don't think there is such a thing as low income housing anyway but have you had a study on impact?

Mr. MacKenzie responded no. There would be some impact on the schools. There is no doubt about it. The housing developer would have to pay the school impact fee.

Alderman Osborne asked how much is that. Is it a one-time charge?

Mr. MacKenzie answered an impact fee is a one time charge for facility. It can't be used to pay for annual education costs.

Alderman Osborne stated this wouldn't last very long.

Mr. MacKenzie responded no.

Alderman Osborne stated if a child is born there and goes to school for 12 years or whatever that is a big expense. There is impact. You can't get away from it. It is not a clear profit. There is no way. I think we are starting to go too fast too quick here. I think basically the Board can do anything they want. It has been sent out for RFP or whatever but that can be changed also. I think they haven't looked at all of the facts about the impact. Everybody wants to sell it for \$1 million or \$1.2 or \$1.3 million but we are not looking at the complete impact of the situation and I think we should.

Alderman DeVries stated just to address the RFP that is being drawn up I am wondering if that would include a closing date after July 1 so that it might, if adopted through the budget process be part of the budget process for the forthcoming year. I think the last RFP said by June 30 so this would be after July 1?

Mr. MacKenzie responded yes. Whether or not we set a closing date of June 30 I believe the Finance Director has told me that it will not be included in the FY04 tax rate setting process.

Alderman DeVries stated I am talking about the forthcoming budget for the following year.

Mr. MacKenzie responded yes it would be included in FY05.

Alderman DeVries stated so the closing date also needs to shift to after that July 1 and that would be my recommendation. I also am wondering if we would pursue that \$125,000 suggestion to be sure that that is also from the proceeds of sale and incorporated into the budget process to be sure that is also part of the budget process if you believe it is necessary.

Mr. MacKenzie responded I still believe it is important for the neighborhood but the Committee or the full Board would have to take that action.

Alderman DeVries asked would that be the process to follow through to incorporate that into the budget process and to establish a CIP fund from the proceeds of sale.

Mr. MacKenzie answered yes.

Alderman DeVries asked and would that have to be part of the RFP process for that to happen.

Mr. MacKenzie answered it would not necessarily have to be part of the RFP process. The Board could do it as part of the CIP process as long as it wasn't lost.

Alderman DeVries asked does the Committee wish to entertain that and send a recommendation to the full Board.

Alderman Gatsas asked, Mr. MacKenzie, what other stipulations did the full Board give you on that RFP.

Mr. MacKenzie answered there are none at this point. We were going to bring back information to the Committee that was basically similar to what was identified before but perhaps outlining it in more detail.

Alderman Gatsas asked is it going out for a full RFP.

Mr. MacKenzie answered again that would be up to the Committee. We will be bringing back recommendations for probably your next meeting but the Committee should set the specific criteria at that time.

Alderman Gatsas stated Alderman Lopez just made a statement that the full Board said send it out to an RFP.

Deputy Clerk Johnson responded no they didn't.

Alderman Gatsas stated I am just repeating what he said.

Chairman Thibault asked the Clerk to clarify that.

Deputy Clerk Johnson stated the full Board of Mayor and Aldermen ordered that the staff bring an RFP to the Committee on Lands and Buildings. Lands and Buildings presumably will review an RFP and then make a recommendation to the Board.

Alderman Osborne stated they keep mentioning \$125,000 for signal lights. You have to remember that there are more hidden costs than just signal lights. That does not count schools, teachers and other things. It is not just \$125,000 off of the \$1.2 million or \$1.3 million or whatever it is going to sell for. The City in the long run...the taxpayers are going to be paying money that is hidden that they don't even realize they are paying. They think you are making \$1.3 million and you are not really making \$1.3 million. There is no way.

Alderman Lopez stated I think I made the motion at the full Board with the stipulations that Alderman Gatsas made – the \$100,000 non-refundable, which was brought to us at the full Board plus 15% workforce housing and the other stipulations to be spelled out in a complete RFP. I don't understand why we need additional information. The Board directed you to come up with the RFP and go out for bid with those stipulations.

Deputy Clerk Johnson responded no. The RFP process was referred to this Committee.

Chairman Thibault stated let the Clerk clarify this.

Deputy Clerk Johnson stated our review of the minutes states that the RFP is to be submitted to this Committee. Whatever this Committee acts on for that proposal will go back out to the Board. We would highly suggest that nobody send out an RFP without a full action of the Board. I should probably for the record state that we have also received an additional copy of a communication to the Solicitor's office regarding this property today. I would strongly suggest that once the staff brings this report in that the Committee then brings it back to the Board.

Alderman Gatsas asked can we get a copy of that.

Deputy Clerk Johnson answered it is going to be placed on the agenda for next week's Board meeting.

Chairman Thibault asked can we get a copy before that.

Deputy Clerk Johnson answered sure we can do that.

Alderman Gatsas stated we are voting on an issue here...

Alderman Lopez interjected it doesn't make sense.

Alderman Garrity stated I think it is important...when is our next Lands and Buildings meeting.

Chairman Thibault responded that would be up to the City Clerk.

Deputy Clerk Johnson stated I don't have the schedule in front of me.

Alderman Garrity stated I think it is important that we act before this Committee or the full Board changes.

Deputy Clerk Johnson stated they are scheduled to meet in December.

Alderman Garrity asked and on to the full Board before the Board changes.

Deputy Clerk Johnson answered I believe it is. Certainly the Chairman can accommodate that if it is not already scheduled.

Chairman Thibault stated I leave it up to the City Clerk to set it up as quickly as she can.

Deputy Clerk Johnson stated I think we need the RFP from staff first.

Alderman Garrity stated that is my next question. Are we going to have the RFP at our next meeting?

Mr. MacKenzie responded yes it will be available for the Committee's next meeting.

Alderman Garrity asked even if it is next week.

Mr. MacKenzie answered I do want to confer with the Solicitor's Office before we bring it to Committee but we will try.

Alderman Garrity stated well the holidays are starting and meetings get rescheduled.

Alderman Lopez stated for the record I think some games are being played here because I know that it was directed that the Planning Director bring it to the next Committee meeting and now we are talking about another meeting. There are some games being played.

Chairman Thibault asked do you mean that he was supposed to bring it in at this meeting.

Alderman Lopez answered that is right.

Mr. MacKenzie stated if I could I do take a little offense by that indicating that I might be playing games with this. We have been focused on the agenda items that were scheduled for this meeting and I was not...I listened to the motion made by the full Board of Mayor and Aldermen and it was not clear to me that it would be at the next Lands and Buildings Committee meeting.

Alderman Lopez responded we will get the minutes.

Chairman Thibault stated, Bob, if you could get that to us as quick as you can I would appreciate it. Any other questions from the Committee?

There being no further business, on motion of Alderman Pinard, duly seconded by Alderman Garrity, it was voted to adjourn.

A True Record. Attest.

Clerk of Committee